174 836 on the other hand, is extremely repugnant by nature, especially for the Nkundɔ. It is a vice which comes about only as a result of special beliefs or through a fundamental degeneration of sexuality.

The breaking up of the framework of traditional organization may furnish a partial explanation in this realm as in many others. In the case of sexual relations between single adults, it might even be deemed sufficient. As much may be said about greed, vanity, the desire for ostentation and display. These are very natural sentiments in a woman, and they were greatly stimulated by the dazzling riches imported from Europe. But these facts are not sufficient in themselves to account for everything. They are especially and entirely inadequate in explaining the considerable changes in the relations between immature children, and we are thus forced to accept the explanation given by serious natives.

3. Children born out of wedlock

● 848 Among the Nkundɔ, giving birth to a child outside of wedlock has never from time immemorial been considered a grave misdemeanor. It is not considered criminal, as ethnographers say it is among many other African peoples.

Furthermore, this attitude logically follows from the liberty permitted to adolescents, as described above. Neither the woman nor her lover are harassed or punished as a result. On the contrary, the grandparents joyfully receive the child, who adds to the size, power, and wealth of the clan. [88] For an illegitimate child (entombɔ) (1)

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1. Such a child is also known as bɔna ɔa wanɛ, "child of the sunlight," or bɔna ɔa bombamboka, "child of the highway" or "of a girl of the streets." Among the Bombomba the term bokelankɔlo is also heard.

does not belong to its natural father. It is incorporated into the mother's family. It is said that he is born without a father. His

posterity constitute a separate family in the clan of his maternal ancestors; it is called jwɔ̆moto or etɔ̆o ɛy'ɔ̆nankâná (that is, the patrilineal posterity of the sister's son). Families and clans that have originated in this manner are not particularly rare in this region. One may even find an entire village born in this manner. Thus, Mbelɛ́ of the Bombwanja-Boɛ́ndɛ́ is the etɔ̆o ɛy'ɔ̆nankâná of Lileko. A more striking example is that of the Injɔ́lɔ́ tribe, descended from the sister of Nsimba and Eanga, who are respectively the ancestors of the Ntɔ́mbá and the Bolɛ́ngɛ́. Since the male ancestor is unknown, it is assumed that their origin is due to an extramarital conception by the mother, and that her son, Nkɔ́lɔ́bisɛ́, had no father. The same is true of the Wesɛ́ subtribe, bɔ̆nankâná of the eldest subtribe Engɔ̆njɔ́, as well as of the Ngombe subtribe, which is bɔ̆nankâná of the Wesɛ́.

It would be incorrect, however, to attribute the origin of all the "jwɔ̆moto" clans to illegitimate children, for they may have come into existence for other reasons. Thus it is known that the ancestors of certain clans were born of a legitimate union, but the bride price payment had not yet been completed. Then, as some sort of obstacle intervened, the relationship by marriage was broken, and the child was incorporated into the mother's clan. The obstacle which interrupts the bride price payment may be a disharmony between the engaged couple or their families, as in the case of the Basɛ́ká Etâfɛ̆ngela of the Bakâala; but it is more likely to be war or the migrations of the tribes at certain periods of their history. The latter reason may have separated more than one husband from a wife for whom he had only made an initial payment at the time her child was born.

The fact then that many "female" clans exist in a [89] region does not prove that illicit relationships between single people were common in the past -- especially if one also takes into account that pregnancies were formerly much more frequent than they are nowadays. It merely shows that such relationships did occur.

An illegitimate child is considered and treated by the maternal grandfather as if it were his own. No distinction is made between him and the legitimate children. He is in no way despised. He has a voice in family councils and deliberations. And since according to Nkundɔ́ notions his relationship to his first cousins is that of father to son, he

848 has precedence over them and can become head of the family after his grandfather and uncles. In his natural father's clan, on the other hand, he has nothing to say.

848 596 If a man pays the bride price for a girl who has had a child by him, he asks his father-in-law to let him have his illegitimate child. This wish is almost always granted. The father-in-law well understands his son-in-law's fatherly sentiment of love and considers it quite legitimate and proper that a father should himself possess the [583]* fruit of his own flesh. The only condition laid down is that because of the child the son-in-law must increase the amount of the bride price valuables by an extra slave or his equivalent. (1)

1. This transaction may even take place after the mother's death.

The father is not in a position to invoke any rights strictly speaking. The child is not considered as his because of his physical paternity, but only because of his father-in-law's kindness. If the latter were to refuse the father's request, he would not be acting in violation of justice. But his behavior would be considered as inhumane toward his daughter's husband and his grandson, and it would be criticized.

When a child is adopted by his natural father in this fashion, no one despises him for his illegitimate birth [90]. This procedure may therefore be considered to establish his legitimacy.

848 178 Nowadays, among the Beloko and their Elinga, the practice of "buying" the child has sprung up. That is, if a man does not marry a woman who has had a child by him, he pays her parents a certain amount in order to obtain the child. There does not seem to be much opposition to the introduction of this custom, which springs from an honorable feeling for paternity and its duties. Its only disadvantage is that in such a case the child may never claim any rights in his mother's clan. (1)

1. See Chapter VIII, Article IV.

848 614 583* If a stranger marries an unwed mother, he is never given the child, which remains in the mother's family. This situation is clearly distinguished from those mentioned above.

848 614 583 What happens is that when such a woman goes to live with her husband and her child is too young to remain with his grandparents, she takes him along. Later when the boy reaches adulthood, he sometimes settles with the clan of his mother's husband and produces a posterity. But he is more or less discredited by the adopting clan (and by the others). He has no political rights there, no mpifo. His posterity is called mbûsolá (from mbûsa, "behind" and bolá, "clan of origin"). (2) Its members may marry members of the adopting clan,

> 2. They also say "he was brought in the sling," bôyélákí ndá lombé.

excepting of course the descendants of their common mother. They also have their own cemetery. They thus form a separate clan within the village.

The practice of "bringing a child in the sling" seems to be disappearing at the present time, because everyone wants to remain in his own clan. Government policy deprives natives who do not live with their own families of almost all their rights. Moreover, [91] today it is much easier than in the past to procure the means for establishing a home. This last problem was certainly an important reason why a man would settle with the clan of his mother's husband.

848 684 The preceding clearly shows that a lover by whom an unmarried girl has a child incurs no blame, penalty, or fine. He has no obligation to care either for the mother or the child. Neither justice nor propriety requires him to marry the unwed mother. No indemnity is exacted.

There is only one exception: that is, if the mother dies as a result of the pregnancy or the delivery, or if the child is stillborn or born sickly, deformed, or crippled. In such cases the lover has to pay a heavy indemnity (mbálaka) (1) That is why an unmarried woman

> 1. For the child, the indemnity goes up to 50 rings; for the mother, 50 rings and a slave (or his equivalent in currency), or 75 to 100 rings.

who is pregnant is pressed into giving the name of her accomplice as

848 soon as her family becomes aware of her condition. The accomplice
684 is made officially responsible and is required to accept this responsible and is required to accept this responsibility by publicly pledging his willingness to take all consequences upon himself. This pledge like all pledges is called ndanga. It consists of a knife, a ring of copper or brass, a spear, or similar objects. (2)

2. The same custom is practiced in the case of pregnancy resulting from adultery.

Article V. Sexual Intercourse

833 Although this subject is extremely delicate and therefore difficult to investigate and describe, it does not seem pointless to note here a few details with which I have become acquainted. We will discuss in succession a few circumstances relative to the act, then rape, and finally what are called incomplete acts. [92]

1. Circumstances relative to the act

[77] The Nkundó have intercourse lying on their sides. Nowadays, natives who have had frequent contacts with Whites are beginning to abandon the old manner for that of the Europeans. The spirit of imitation probably plays some part in the transformation which is beginning, but the gradual spread of the knowledge that the European system makes conception more likely is also a factor.

Even for illicit relations our natives seldom choose the forest or near-by palm or banana groves. Usually they prefer an isolated hut, or they take advantage of the absence of witnesses who might intrude on them. At night they are generally afraid of anything that stirs in the forest.

833 The Nkundó have sexual relations only during the night. To
753 do so in the daytime would be to risk being striken by a mortal illness
684 called bombilɛ (derived from mbilɛ "noon," by extension, "day"),

614 621 The Bongangá are divided as follows:

1) Bongangá, in the narrow sense of the term (Basɛ́kɛ́ Inanɔ́, B. Bolakɛ́, B. Bongɛ́ngɛ́, B. Bandúwɛ́, B. Lokɔ́kɔ́myɛ́)

2) Bongangá of Bakoyɔ́, or Bolíma

3) Bongangá of Mbɔ́mbɛ́ or Basɛ́kɛ́ Botúna

Thus Lotɔ́lɛ́, Bakoyɔ́, and Mbɔ́mbɛ́ each have an Etɔ́o group and a Bongangá group. The Bongangá, in the narrow sense of the term, have in addition a "slave" group named Batsína, a part of which is located with the Bosánjo. A foreign clan is settled with the Etɔ́o of Lotɔ́lɛ́; they are the Bofalambɔ́ka, descendant of a man named Ekonda (Imbolo) and his sister who was married to Mbete, a slave from Bompángá (Wǎngatɛ́) who was freed by his master.

Many villages have foreign groups living with them such as descendants of slaves (ekwɛ́la), or others (Ekonda, Bombwanja, groups related by marriage called likilo, mpámá or bowɛ́lɛ́, and mbɔ́solá, (1) etc.). [249]

[609] 1. Mpámá or bowɛ́lɛ́ are any foreigners who were formerly invited by the group patriarch to remain with him in order to carry out certain tasks, especially metal-working. Mbɔ́solá is the term applied to a ● [848] child born to a woman out of wedlock [825] (Chapter I, Part 2, Article IV, 3). Such children are also called nkio y'ɔ́ɔ́me, "the husband's flying dogs," because they are not his own children but are attached to their mother's husband in the fashion of these animals, who attach themselves to trees when they sleep.

614 582 If we add the descendants of relatives who have married into other more or less remote groupings, the prohibition against marriage on account of kinship applies to a good many people. In accordance with the law of exogamy, such a kin group may be widely dispersed geographically, and it is understandable that it is not always easy to

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Finally, note that in the "lowlands" of the region [413] under discussion, payment for a natural child is beginning to be made regardless of whether the beginning of the bride price has been paid, or whether no payment at all has been made. In the past there was no question of such a practice, for the child would have been considered a slave in his father's clan and in the neighboring villages. And actually in the villages of the interior and in practically all of the region under consideration, that attitude has not changed. It is in the European centers, under the influence of Christian ideas, that these new ideas develop. In practice, cases do not occur except when the individuals in question are natives of very distant villages and are established permanently (to the extent that this term can be used) in their extra-customary residence.

Article V

The Position of Former Spouses and Their Children

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Once the palaver concerning the reimbursement of valuables is settled, the former spouses become strangers to each other.

Their families sometimes continue relations with each other, however. In fact we have seen that a divorced woman may be replaced by a relative in her conjugal role. In such a case relations by marriage result from the continuation of the marriage agreement. (1)

1. See Chapter III, Article IX.

Except in cases where a substitution occurs, all ties between the former spouses and their clans are thus broken.

The divorced wife can no longer claim the slightest right to the fields she has established on the land cleared by her husband. In general, all the fruits of her various activities remain the property of the husband; she herself [414] has no further right to them. In our time, however, it is not unusual for a man and wife who are

847 [184] already more "civilized," such as the neighborhood of Coquilhatville and the Losanganya region.

847 848 Attention should be drawn to the danger of an increase in abortions for a new reason, namely the shame of giving birth outside of wedlock. As we have seen in Chapter I, Part II, Article IV, 3, premarital pregnancies have existed since time immemorial without resulting either in remorse or in palavers. Through the teaching of Christian morality, the feeling of shame must sooner or later be extended to this phenomenon. In explaining the evil of fornication, care should therefore be taken to insist on the fact that transgressing the Fifth Commandment by abortion is a far greater evil.

847 843 Voluntary abortion is not considered a moral error by the Nkundó. (2) In their eyes an imperfectly formed fetus, not viable,

2. An attitude which also exists in Europe at the present time, according to Haenecour in Kultuurleven, Vol. 6, no. 1, p. 21 (1935), and the brochure by Prof. D. Schockaert quoted there.

is not yet a man. It is only a human being in the process of formation, in potentia. Hence the custom of burying the aborted child 847 [766] in the [468] hut or quite near it. Thus the spirit responsible for the [774] pregnancy will see that it is respected and repeat its benevolent action. (1)

1. Others explain this custom by saying that the fetus already has a soul which remains near the tiny body and will take the first opportunity to re-enter the mother's body.

But if it is voluntary an abortion is always a wrong against family and society, for it deprives the family of a member on whom

this people with a sense of duty, that individual conscience of which they are so imperatively in need. [515]

Article IX. Rights Over the Children

593x 951 Without repeating everything on this subject that is to be found at various points in this work, it is nevertheless appropriate to summarize here the various considerations and conclusions concerning the rights over children.

The great principle dominating the entire question is the Roman adage: Pater is est quem nuptiae demonstrant. The legitimate husband is the legal father of his wife's child. Without marriage the natural father has no rights.

848 851 593x Consequently, children conceived in adultery belong exclusively to the husband (Chapter VI, Article VIII). Since relations with a widow who is not yet legitimately remarried is adultery, a child born as a result of such relations is legally the heir's child. (Chapter III, Article II). The same rule, mutatis mutandis, applies to a divorcée before a regular remarriage (Chapter VIII, Article III, 1).

The child of an independent woman has no legal father. Consequently, it belongs to the mother's family and remains illegitimate (entombó; entombó ékáni is the name by which his grandfather calls him). (Chapter I, Part II, Article IV, 3.) But if the natural father marries the mother, he can obtain the child by paying an extra "slave" for it. In any case he must pay the complete bride price. If he does not marry the mother, he has no rights whatsoever over the child; however, this rule is in the process of changing in the northwest corner of the region under discussion (Chapter I, Part II, Article IV, 3).

This legitimation is not required if the pregnancy began after bride-price payments were begun. It can take place even after the mother's death by means of the above-mentioned payment. Such cases of posthumous legitimization sometimes occur in relation to children born of extra-customary [extracoutumiere] unions contracted during the early period of colonization. [516]

613 they always refer to their descent from the ancestor-founder: "We are baseka Ngoi (descendants of Ngoi; we belong to the clan of Ngoi)."

Naturally the Nkundo-Mongo know very well that all the Mongo clans are descended from a common ancestor. They even believe in the common descent of all people. However, in clan unity they only go back to that ancestor who made their group legally autonomous, who made himself independent.

To that group belong, thus, all the children of that founder, all of the children of his sons, all of the children of his grandsons and great-grandsons; thus, all those who keep the same family name in our society.

The Nkundo-Mongo call the clan from the father's side their wise, from ise (father). The children of the lawfully married daughters belong to another wise, since they go back on their father's side to another ancestor. However, children of an unmarried daughter of the 848 clan continue to bear their mother's name, and thus belong to the wise of the mother, just as, in our society, they take on the family name of the mother.

Married women, however, continue ethnically to belong to their own paternal clan and do not form part of the wise of their husband.

2. Kinship Terms in the Paternal Clan

601 613 All of the living members of the paternal clan constitute one extended family. In the bosom of that one family, all members of the same /151/ generation also bear the same title. All of the members of the grandfather's generation are grandfathers. All the members of the father's generation are fathers, also including the female members. Thus, the sisters and female cousins of the father who belong to the wise are all called "female fathers": isomoto or faomoto (from ise or fafa, father, and bomoto, woman). All of the older brothers and male cousins of the wise are batomolo; all younger brothers or male cousins of the wise are bakune; all sisters or female cousins of the wise are nkana. All of the children of brothers and male cousins, and also all of the children of sisters and female cousins who remain in the wise, are bana (children).

601 561 613 Such terms are to us, of course, a never ending source of mistakes, complications, and ridicule. The native cannot possible understand this and underneath takes it very much amiss. Socially, legally, and

61 another group. According to their relationship to others, groups
602 may be designated as:

brother, younger or older;
brother or half brother (descended from various wives of the polygynous ancestor);
●[848] Illegitimate child of the sister which, legally, as the child of the oldest brother or of the father of his mother, belongs to the group of the mother's relatives;
child of a boy who together with his sister has moved to the unit of his brothers-in-law and has settled there permanently;
son of a sister, who for some reason has separated from his paternal relatives and has moved in with the group of his mother or of one of his grandmothers.

601 Present-day social relationships are influenced by this variety of kinship relations. The kinship terms which refer to the relationships of the genuine or assumed ancestors to each other are occasionally transferred to the groups.

614 In this paper we shall describe the Isangi group (12) as an
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12. Müller, Fürstentum [Kingdom], pp. 68 ff., 125, 128 ff.

[101] example of hierarchical kinship structure. Isangi is a local group of the type described above (p. 1). Following the custom of the region, I shall refer to it as a "village." Until we have decided which terms are applicable to the various groups, I shall use the letters A to E for the individual ranks of the hierarchical structure. Within this system A shall stand for the smallest and E for the largest units (see Diagram 2).[1]

In addition to the three ranks of Group D in Isangi, there are others in the daughter villages (see Diagram 1). These may also include foreign groups, as, for example, the "Nkundó" group, Liimbu, in Wengá.

[1] [See page 6, category 116.—Analyst]